

**MINUTES OF THE
PRIVATE PROTECTIVE SERVICES BOARD MEETING
February 20, 2014
HOLIDAY INN CRABTREE VALECY
4100 Glenwood Avenue
RALEIGH, NC 27612**

BOARD MEMBER PRESENT

Richard Allen
Bill Booth
Judge Burris
Denise Martin
Ed Cobbler
Bob Graham
Clyde Cook
Marcus Benson
William MacRae
Richard Epley
James Stevens
Eric Weaver Sr.
Robert Clark

BOARD MEMBERS ABSENT

STAFF PRESENT

Terry Wright - Director
Anthony Bonapart - Deputy Director
Phillip Stephenson – Field Services Supervisor
Jeff Gray – Attorney
Judy Pittman - Training Officer
Garcia Graham – PPSB Board Secretary
Maia Washington-Powell – PPSB Licensing Assistant

GUEST PRESENT

Walter Pylypiw
Melvin Lowery
Bill Dover
Robert Carmany
Tammy Rushing
John Morris
Richard Shaffer
Ruth Reynolds
Christopher Maylor
Pam Mayfield

Dorian Dehnel
Charles Rehkamp
Jerry Pitman
Randy Sturkey
William Davis
Larry Flannery
Terry Walser
Audra Coleman
Frank Bianco
Kathy Broom

Beatrice Powers
David Arndt
Jollette Morrison
Benjamin Torain
Sandra Russell
Mark Zudell
Daitwan Hardy
Jeff Kiker
Gerald Elliott Jr.
Stephen Davis

Tamara Tarbutton
Keith Hollen
Chris Green
Hunter Dunn
Mark Wohlnick
Jennifer McCracken

Bill Johnson
Greg Hatten
Ernest Barth
Larry Amaker
Kevin Satterfield
Suzanne Creech

William Dolinger
Frank Sanciento
John Taylor
Lucius McMillon
Anthony McCollum

CALL TO ORDER

Chairman Richard Allen called the February 20, 2014 Private Protective Services Board meeting to order at 9:00 a.m. Chairman Allen welcomed all guests. He explained that the change in credit hours from one (1) hour to two (2) hours for attending board meetings was still in the rule change process, therefore the current meeting would only be worth one (1) credit hour.

GOOD OF THE ORDER:

Attorney Jeff Gray explained the State Ethics Act, which addresses the ethics of public officials. This Act states specifically that if any Board Member has any conflict of interest, potential conflict of interest, or the appearance of a conflict, he or she should remove themselves from deliberation and vote on that matter and so state on the record.

Mr. Gregory Hatten, president of the NCAPI greeted the Board and all of the guests. Mr. Hatten reported that the annual election of NCAPI officers was held in January. He also stated that the Spring Conference is scheduled for March 18, 2014 and he requested that Staff be present.

MINUTES:

APPROVAL OF THE DECEMBER 12, 2013 MEETING MINUTES.

MOTION BY MR. BOOTH TO ACCEPT THE MINUTES; SECONDED BY MR. BENSON; MOTION CARRIED.

Mr. MacRae thanked staff members for emailing the minutes to all board members.

SCREENING COMMITTEE REPORT:

Mr. Clark reported that the Screening Committee met on Wednesday, February 19, 2014 from 8:04a.m. to 10:51a.m. to review a total of 43 applications. (See report). The committee members were Mr. Clark, Mr. Benson, Mr. MacRae, Mr. Weaver, Mrs. Martin and Mr. Cobbler. Mr. Clark read the report for the record.

Mr. Stevens recused himself from #42 of the screening report and Mr. MacRae recused himself from #3.

Mr. Clark presented the following registration report for the period of December 11, 2013 to February 17, 2014. Total registrations 4,270; armed totals were 563 of which 191 were new and 281 were renewals, 2 duplicate, and 89 reissue/dual. There were a total of 98 Armed Armored Car, 35 of which were new, 62 were renewals, 1 reissue/dual. There were a total of 6 Armed Private Investigators, 3 of which were new, 3 were renewals; 4 new Private Investigator Associates, 3 renewals and 1 reissue/dual. Unarmed totals were 3,559 which included 1,074 new, 1,7309 renewals, 299 transfers, 15 duplicates and 441 reissue/dual. There were a total of 40 unarmed armored car, 12 of which were new. Total denials were 445 of which 81 were for cause and 364 for correctable reasons. There were 370 applications approved which were previously denied for a total of 815 denials reviewed.

MOTION BY MR. STEVENS TO ACCEPT THE SCREENING COMMITTEE REPORT AND THE REGISTRATION REPORT; SECONDED BY MR. WEAVER; MOTION CARRIED.

GRIEVANCE COMMITTEE REPORT:

Judge Burris reported the Grievance Committee met on Tuesday, February 18, 2014 from 8:06 a.m. until 12:06 p.m. and heard a total of 11 cases. The committee members were Judge Burris, Mr. Booth, Mr. Cook, Mr. Epley, Mr. Graham and Mr. Stevens. Judge Burris presented the attached report. (See attachment).

Mr. Clark recused himself from 2013-PPS-052. In reference to a few of the grievance cases heard by the committee, Mr. Stevens stressed the importance of good record keeping among industry members.

Mr. Cobbler asked if Mr. James DiBeniditto, brought before the grievance committee, was assessed a fine for practicing without first being licensed. Judge Burris explained that the committee found the violation to be a technical violation therefore Mr. DiBeniditto would not be penalized.

MOTION BY MR. GRAHAM TO ACCEPT THE GRIEVANCE COMMITTEE REPORT; SECONDED BY MR. CLARK; MOTION CARRIED.

TRAINING & EDUCATION COMMITTEE:

Mr. Stevens advised that the Training & Education Committee met on Wednesday, February 19, 2014 from 8:00 a.m. until 9:00 a.m. The committee members were Mr. Stevens, Mr. Allen, Mr. Booth, Mr. Clark, Mr. Epley, Mr. MacRae and Mr. Weaver.

Presently we have 353 certified PPS unarmed guard trainers and 83 PPS certified armed guard trainers.

The following PPS Training Courses for CEU Credits have been scheduled:

April 24, 2014	1pm – 5pm	Wilmington, NC
May 22, 2014	1pm – 5pm	Clemmons, NC (following ASLB meeting)
July 30, 2014	9am – 1pm	Charlotte, NC
August 21, 2014	1pm – 5pm	Asheville, NC
December 11, 2014	1pm – 5pm	Raleigh, NC

The following PPS Training Courses have been completed:

January 27-31, 2014	UAGT Course & Workshop had to be cancelled due to inclement weather
February 10-14, 2014	Firearms Trainer Course was held (not completed)

Mr. Stevens reported that trainer courses have been scheduled after the board meetings in an attempt to make courses geographically convenient. Mr. Stevens also reported that the committee discussed reinstating a trainer certification after a lapse without going back through the required training. This issue was brought to the board when a trainer asked that his certification be reinstated without having to go through training again. The board decided to deny the request. The committee also discussed the timing of unarmed and armed training. The issue of whether or not unarmed training would still need to be completed if armed training was completed first. The committee decided that feedback from the industry was needed to make an informed decision.

Mr. Epley reported that there were two (2) courses the subcommittee reviewed for approval: Executive Protection/Body Guard Training, twelve (12) hours, denied; Field Interview, twelve (12) hours, approved.

MOTION BY MR. BOOTH TO ACCEPT THE SUBCOMMITTEES RECOMMENDATIONS; SECOND BY MR. WEAVER; MOTION CARRIED.

MOTION BY MR. MACRAE TO ACCEPT THE TRAINING AND EDUCATION COMMITTEE REPORT; SECONDED BY MR. CLARK; MOTION CARRIED.

GRIEVANCE COMMITTEE:

Judge Burris discussed a complaint brought against licensee Kerry Graves. Mr. Graves allowed his brother, Mr. Kobie Graves, to conduct interviews with clients without being properly licensed to do so.

MOTION BY MR. STEVENS TO ACCEPT THE COMMITTEE’S REPORT; SECONDED BY MR. WEAVER; MOTION CARRIED.

SCREENING COMMITTEE:

Mr. Clark stated that the screening report is final.

74C REWRITE COMMITTEE

Mr. Epley reported the wording of House Bill 466 is correct and currently before the Senate. He will keep the board informed of its' progress.

FINANCE REPORT:

The Finance Committee meeting was not held. Mr. MacRae will continue his analysis of expenses. Mr. Weaver thanked Mr. MacRae for his work and CPA experience.

**MOTION BY MR. WEAVER TO ACCEPT THE FINANCE COMMITTEES REPORT;
SECONDED BY MR. COOK; MOTION CARRIED.**

ETHICS COMMITTEE:

Mr. Cook reported that the PPSB staff distributed the newsletter by email. He also reminded all industry members to file their SEI reports by April 15th.

OLD BUSINESS:

Due to dissatisfaction with the Crabtree Holiday Inn, the board discussed moving the meeting location. Mr. Wright informed the board that the best prospect is the Holiday Inn downtown. The hotel has facilities to hold the meeting and the board meeting dates are available.

**MOTION BY MR. BOOTH TO NEGOTIATE RELOCATING BOARD MEETINGS TO
ANOTHER FACILITY; SECONDED BY MR. COBBLER; MOTION CARRIED.**

NEW BUSINESS:

Mr. Bonapart made the PPSB grant announcement summary. Mr. Bill Dover asked if the grant was no longer restricted to a 501C(3) business. Mr. Wright explained that the rule regarding 501C(3) and grants had not changed. Mr. Booth also explained to Mr. Dover that this rule was a Department of Justice rule, not a Private Protective Services rule.

Mr. Bonapart reported that an individual who applied for a grant under South Piedmont Community College did so without knowledge of the institution. As a result, funds were not issued.

The board discussed whether the industry was benefitting from the grants received to conduct training and if members of the industry were made aware of the training. Mr. Booth stated that Stanley Community College sent flyers to industry members and published a newspaper article.

Ms. Kathy Broom asked the board whether or not the training programs financed by the PPSB grants should be made available to all industry members since their contributions fund the

program. Mr. Booth responded that the industry was notified of the “Active Shooter” training at the last board meeting. Mr. Allen asked that staff make it a point to make industry members aware of the grant sponsored training and that they are notified when courses are being offered.

BREAK: 9:59 a.m.
BACK IN SESSION: 10:24 a.m.

FINAL AGENCY DECISION

Attorney Jeff Gray removed himself as counsel to the Board to present the following cases.

The Board received the official record for the following cases:

Jose Monserrate Acosta 13 DOJ 15271 (attachment 3). Mr. Acosta was present. This case was heard by Administrative Law Judge Augustus B. Elkins II on October 7, 2013. This case involved the denial of Petitioner’s unarmed guard registration based on the lack of good moral character and temperate habits as evidenced by a conviction of misdemeanor and felony possession of controlled substances.

Administrative Law Judge Augustus B. Elkins proposes that Petitioner be issued an unarmed guard registration.

MOTION BY JUDGE BURRIS TO UPHOLD JUDGE’S DECISION; SECONDED BY MR. BENSON; OPPOSED MR. WEAVER, MR. STEVENS AND MR. COBBLER; MOTION CARRIED.

Benjamin Lee Torain 13 DOJ 14220 (attachment 7). Mr. Torain was present. This case was heard by Administrative Law Judge Augustus B. Elkins II on October 7, 2013. This case involved the denial of Petitioner’s armed guard registration based on lack of good moral character and temperate habits as evidenced by a conviction of felony Aggravated Assault in Philadelphia, PA.

Administrative Law Judge Augustus B. Elkins II proposed that the Board reverse its’ decision and recommends that Petitioner be issued an unarmed guard registration.

MOTION BY MR. STEVENS TO UPHOLD JUDGE’S DECISION; SECONDED BY MR. WEAVER; OPPOSED MR. BENSON; MOTION CARRIED.

Moses Lavan Balls 12 DOJ 7162 (attachment 4). Mr. Balls was not present. This case was heard as a Final Decision Dismissing Contested Case. It was ordered that Petitioner’s appeal be dismissed without prejudice for failure to prosecute.

MOTION BY JUDGE BURRIS TO DENY THE APPEAL; SECONDED BY MR. STEVENS; MOTION CARRIED.

Kenneth Levern Bradley 12 DOJ 8260 (attachment 5). Mr. Bradley was not present. This case was heard as a Final Decision Dismissing Contested Case. It was ordered that case be dismissed without prejudice for failure to prosecute on the part of petitioner.

MOTION BY JUDGE BURRIS TO DENY THE APPEAL; SECONDED BY MR. STEVENS; MOTION CARRIED.

Cathy M. Brown 13 DOJ 14219 (attachment 6). Ms. Brown was not present. This case was heard by Administrative Law Judge Melissa Owens Lassiter on November 26, 2013. This case involved denial of Petitioner's unarmed guard renewal permit based on lack of good moral character and temperate habits as evidenced by a conviction of misdemeanor Larceny and Financial Card Fraud.

Administrative Law Judge Melissa Owens Lassiter recommended that the board deny Petitioner's renewal of her unarmed guard registration.

MOTION BY JUDGE BURRIS TO UPHOLD DENIAL; SECONDED BY MR. BENSON; MOTION CARRIED.

William John Cherpak 12 DOJ 7300 (attachment 8). Mr. Cherpak was not present. This case was heard by Administrative Law Judge Beecher R. Gray on September 25, 2012. This case involved denial of Petitioner's unarmed guard registration renewal based on lack of good moral character and temperate habits as evidenced by a conviction of misdemeanor Assault on a Female.

Administrative Law Judge Beecher R. Gray recommended that Petitioner be issued his unarmed guard registration renewal.

MOTION BY MR. WEAVER TO UPHOLD JUDGE'S DECISION AND ISSUE UNARMED GUARD REGISTRATION; SECONDED BY MR. COOK; MOTION CARRIED.

DIRECTOR'S REPORT:

Director Terry Wright read the report for the record. The current PPS budget as of January 31, 2014, has a balance of \$992,551.01; the Education Fund balance is \$63,949.75. As of January 31, 2014, the total registrations for PPS is 17,524, 1,816 licensees, and 588 certifications.

Mr. Wright reported that there have been a total of 2,341 various correspondences printed from the PPS database, 4,950 registration cards have been printed and a total of 5,582 applications received since the last Board meeting.

Mr. Wright informed the board of an email from Mr. George Fenton advising that after extensive negotiations with GL Solutions, the cost to include Armed Armored Car as an additional business process will cost \$10,000.00.

MOTION BY MR. BOOTH TO START A RULE CHANGE THAT GIVES APPLICANTS SIXTY (60) DAYS TO SUBMIT ALL REQUIRED PAPERWORK; SECONDED BY JUDGE BURRIS; MOTION CARRIED.

Mr. Wright will bring a list of correctable denials and for cause denials to the next board meeting for comparison. The board also discussed the opportunity to host the IAFTA conference in 2015.

MOTION BY MR. WEAVER NOT TO PARTICIPATE IN THE CONFERENCE; SECONDED BY MR. BENSON; MOTION CARRIED.

Lastly, Mr. Wright reported that the issue regarding the refund policy would be tabled in order to discuss the number of refunds that need to be issued. Staff will report back at April meeting.

MOTION BY MR. WEAVER TO ACCEPT THE DIRECTOR'S REPORT; SECONDED BY MR. BOOTH; MOTION CARRIED.

ATTORNEY'S REPORT:

Attorney Gray discussed the following:

I. CONSENT AGREEMENT, SETTLEMENT AGREEMENTS & CIVIL PENALTIES

1. Paul Manley Jr./Show Pros Entertainment Services of Charlotte, Inc. On October 24, 2013 the Private Protective Services Board voted to enter into a consent agreement with Mr. Manley in the amount of \$15,586.40 in twelve monthly installments of \$1,298.86 for registration violations. Received second payment on January 24, 2014.
2. Brian T. Lassiter/B K Lass Enterprises, Inc. On October 24, 2013 the Private Protective Services Board voted to enter into a consent agreement with Mr. Lassiter in the amount of \$3,610.80 in six monthly installments of \$601.80 for registration violations. Received second payment on February 7, 2014.
3. Felicia Myers/Absolute Contracting Services, Inc. On October 24, 2013 the Private Protective Services Board voted to enter into a consent agreement with Ms. Myers in the amount of \$6,976.80 to be paid in six monthly installments of \$1,162.80 for fifty-seven unarmed guard registration violations. Received second payment on February 14, 2014.
4. Robert Gary Brockway (Screening). On October 24, 2013 the Private Protective Services Board voted to enter into a consent agreement with Mr. Brockway in the amount of \$408.00 for a branch office violation. Paid in full.
5. Dennis Patric Pridgen/A-1 Security Services, LLC. On December 12, 2013 the Private Protective Services Board voted to enter into a consent agreement with Mr. Pridgen in the amount of \$4,773.60 for registration violations. Payment was due January 19, 2014. Paid in full February 19, 2014.

6. Scott Smithers/Eye Spy Investigations. On December 12, 2013, the Private Protective Services Board voted to assess a civil penalty in the amount of \$1,000.00 for failing to offer a written report to a client. Under appeal.

II. OFFICE OF ADMINISTRATIVE HEARINGS

September 25, 2012	PPSB	Moses Lavan Balls Kenneth Lavern Bradley	Unarmed Guard Registration Permit
August 27, 2013	PPSB	Benjamin Torrain	Denial of Armed Permit
September 24, 2013	PPSB	Jose Monserrate Acosta William John Cherpak	Denial of Unarmed Permit Denial of Unarmed Renewal
October 29, 2013	PPSB	Jesse J. Williams Alejandro Maurent	Denial of Unarmed Permit Denial of Armed Permit
November 26, 2013	PPSB	Cathy M. Brown	Denial of Unarmed Permit
December 17, 2013	PPSB	Samuel Thomas Harris	Denial of Armed Permit
January 28, 2014	PPSB	Kelsie Lamel Floyd	Denial of Unarmed Permit
February 25, 2014	PPSB	Calvin Ray Jordan, Jr.	Denial of Armed Permit

III. RULES

1. The Public Hearing for the rule changes to 12 NCAC 07D.0106, .0501, .0502, .0503, .0504 and .1302 was held January 23, 2014 at 2:00 p.m. at the Board's office. No one attended and no public comment was received. The Public comment Period ended on January 31, 2014 and no comments – written or oral – were received. (see attachment 2)
2. At its October 24, 2013 meeting, the Board approved a proposed rule change to 12 NCAC 07D.0901(e) to delete the provision allowing firearms instructors certified by the Criminal Justice Education and Training Commission to pay only one-half the course fee amount to attend the required portion of the firearms trainer course. The G.S. 150B-19.1 Certification form for this rule change was filed and the Rules Review Commission certified it at its December 19, 2013 meeting. The Notice of Text was filed on January 10, 2014. The Public Hearing

for this rule change is scheduled for February 25, 2014 at 2:00 p.m. at the Board's office.

MOTION BY MR. WEAVER TO ACCEPT ATTORNEY'S REPORT; SECONDED BY MR. BOOTH; MOTION CARRIED.

PUBLIC COMMENT:

NONE

MOTION BY MR. WEAVER TO ADJOURN; SECONDED BY MR. EPLEY; MOTION CARRIED.

11:45 a.m. Adjourned

Anthony B. Bonapart, Deputy Director

Maia Washington-Powell, Licensing Assistant